

**Stern, Lavinthal & Frankenberg, LLC**  
105 Eisenhower Parkway, Suite 302  
Roseland, New Jersey 07068  
Telephone Number (973) 797-1100  
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Attorneys for Secured Creditor,  
Seterus, Inc., as authorized sub-servicer for Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America  
By: Maria Cozzini Esq.

In Re:

Evangelia Maliarakis *aka* Evangelia M  
Maliarakis *aka* Eva Vidal *aka* Eva  
Maliarakis Vidal

Debtor(s)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 17-34042-SLM

Hearing Date:

**OBJECTION TO DEBTOR'S APPLICATION FOR EXTENSION OF  
LOSS MITIGATION PERIOD**

PLEASE TAKE NOTICE that Seterus, Inc., as authorized sub-servicer for Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America ("Secured Creditor"), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys, hereby objects to the Approval of the Loss Mitigation Program on grounds including:

1. Debtors filed a chapter 13 bankruptcy petition on November 30, 2017.
2. Debtors filed a Motion for Approval to participate in the Court's Loss Mitigation program on February 27, 2018 (Docket No. 27).
3. The debtor has already been reviewed twice for all possible loss mitigation options and does not qualify for a Loan Modification due to insufficient monthly payment reduction. Attached hereto as Exhibit "A" is a copy of the denial letter.

4. Debtor's current request for loss mitigation does not mention any significant change in circumstances which would warrant a further review.

WHEREFORE, Secured Creditor respectfully requests the Motion for Approval to participate in the Court's Loss Mitigation program be denied.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Stern, Lavinthal & Frankenberg, LLC  
Attorneys for the Secured Creditor,  
**Nationstar Mortgage LLC**

/s/ Maria Cozzini  
Maria Cozzini, Esq.

Dated: November 16, 2018



PO Box 1077; Hartford, CT 06143-1077

L628V

MALIARAKIS, EVANGELIA  
c/o SCOTT D. SHERMAN  
33 CLINTON ROAD SUITE 105  
WEST CALDWELL, NJ 07006

## ***Important information regarding your request for assistance.***

Loan number: [REDACTED] serviced by Seterus, Inc.

November 8, 2018

Dear MALIARAKIS, EVANGELIA:

Thank you for your recent request for assistance with your mortgage loan. While your request was carefully considered, your loan could not be approved for assistance at this time for the following reason(s):

DECISION DATE	PROGRAM	REASON FOR DENIAL
11/8/2018	Repayment	The information you provided does not indicate that your hardship has been resolved.
11/8/2018	Forbearance	You are not eligible for a forbearance plan at this time because you do not meet the eligibility criteria for an unemployment or general hardship plan set forth below. For an unemployment forbearance plan, you must be unemployed and meet all of the following: <ul style="list-style-type: none"><li>• The property is your primary residence and is not vacant, condemned, or abandoned.</li><li>• You have not previously declined a forbearance plan.</li><li>• Your current mortgage payment exceeds the monthly mortgage to gross income ratio requirement.</li></ul>

Seterus NMLS ID Number: 787641. THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT. THIS NOTICE IS BEING FURNISHED FOR YOUR INFORMATION AND TO COMPLY WITH APPLICABLE LAWS AND REGULATIONS. IF YOU RECEIVE OR HAVE RECEIVED A DISCHARGE OF THIS DEBT THAT IS NOT REAFFIRMED IN A BANKRUPTCY PROCEEDING, YOU WILL NOT BE PERSONALLY RESPONSIBLE FOR THE DEBT. **COLORADO:** SEE [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR) FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT. Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1411669, 1411665, 1411662. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR 97005.

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MALIARAKIS, EVANGELIA  
November 8, 2018  
Loan number: [REDACTED]

	<ul style="list-style-type: none"><li>• The plan does not result in you becoming more than 12 months past the contractual payment due date.</li></ul> <p>If you are already on an unemployment forbearance plan, you did not meet one or more of the above eligibility requirements or you exceeded the maximum cash reserve requirement to qualify for an extension. For a general hardship forbearance plan, you must meet all of the following:</p> <ul style="list-style-type: none"><li>• You must be at risk of defaulting or be 90 days or less past due.</li><li>• Your current mortgage payment must exceed the monthly mortgage to gross income ratio requirement.</li><li>• We must be able to get a plan payment within the program parameters.</li></ul> <p>In addition, you must meet at least one of the following:</p> <ul style="list-style-type: none"><li>• A hardship exists due to costs associated with certain drywall problems on the property securing your loan. The drywall must have been new when installed and installed between 2001 and 2008.</li><li>• You or a co-borrower is a U.S. service member injured on active duty, which is impacting your ability to pay your mortgage payment.</li><li>• You are unable to make your mortgage payment due to the death of a borrower or family member of a borrower who contributed at least 25% to the mortgage payment.</li><li>• You have a hardship due to a natural disaster against which you were not insured.</li><li>• You have an unavoidable reduction in income of at least 50%.</li><li>• You have an involuntary distant transfer of employment, including permanent change of station orders.</li></ul>
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MALIARAKIS, EVANGELIA  
November 8, 2018  
Loan number: [REDACTED]

		<ul style="list-style-type: none"><li>• You have a hardship caused by divorce or separation, and you were legally awarded the property.</li><li>• You have a hardship due to an illness against which you were not insured or have a pending settlement of a disability or major medical claim.</li><li>• You have a hardship but have substantial equity in the property, which is listed for sale.</li></ul>
11/8/2018	Cap and Extend Modification	The information you provided does not indicate that your hardship has been resolved.
11/8/2018	Fannie Mae Flex Modification	We could not calculate, within program guidelines, a post-modification principal and interest payment that was lower than your current principal and interest payment.
11/8/2018	Fannie Mae Non Delegated Modification	The loan was not submitted to the investor for evaluation of this program because the eligibility requirements were not met.

Fannie Mae has denied your request. Fannie Mae is the owner of your mortgage loan, but does not perform servicing functions. All inquiries and monthly payments must be directed to Seterus. In the event you find it necessary to contact Fannie Mae, send your correspondence to Fannie Mae, 3900 Wisconsin Ave, NW, Washington, DC 20016-2892

**You may have other options to avoid foreclosure. If any of the following applies to you, call us today at 866.570.5277 to see how we can help:**

- Your circumstances have changed since your original request for assistance.
- You can provide additional documentation to support your request for help.
- You would like information about other alternatives to foreclosure.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is The Federal Trade Commission, Equal Credit Opportunity, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

MALIARAKIS, EVANGELIA  
November 8, 2018  
Loan number: [REDACTED]

Our credit decision was based in whole or in part on information in a credit report from Equifax, a consumer credit reporting agency. While the information was provided by the agency, the agency played no part in our decision and is unable to supply specific reasons for our decision. You have a right under the Fair Credit Reporting Act to obtain a copy of your credit report from the agency. The report will be free if you request it within 60 days after you receive this notice. You also have the right to dispute the accuracy or completeness of any information in your report with Equifax. You may contact them by phone at 800.685.1111 or by mail at Equifax Credit Information Service, PO Box 740256, Atlanta, GA 30374.

Eligibility for assistance is at our discretion and not all applicants qualify. We cannot guarantee that you will receive any assistance or a particular type of assistance. This letter should not be construed as a waiver of our rights or the loan owner's rights under the loan documents and any state or federal laws to collect amount owed on your loan.

The Homeowner's HOPE™ Hotline, 888.995.HOPE (ask for "MHA Help"), provides information on foreclosure prevention\*. We urge you to become familiar with options that may be available to you.

If you have any questions, please contact us at 866.570.5277. For borrowers having difficulty making payments, we have loan specialists available Monday-Thursday 5 a.m. to 9 p.m., Friday 5 a.m. to 6 p.m., and Saturday 9 a.m. to 12 p.m. (Pacific time). Saturday hours may vary.

Sincerely,

Seterus, Inc.

\* If the loan is subject to foreclosure protection under the Servicemembers Civil Relief Act or other similar state law for service members, then we will not proceed with foreclosure activity during the length of the foreclosure protection. Any mention of foreclosure-prevention alternatives in this document is for your information only. We encourage you to pursue these programs to assist you with a hardship, even if you are not facing foreclosure in the near future.

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### HOMEOWNER ASSISTANCE EVALUATION SUMMARY

Loan number: [REDACTED]

Based on a review of your loan, we are unable to make an offer to you at this time. The following table contains the list of all of the options for which you were evaluated, along with the reasons you were denied. If you have any questions, please contact us at 866.570.5277.

OPTION	ELIGIBILITY
Repayment	Denied. The information you provided does not indicate that your hardship has been resolved.
Forbearance	Denied. You are not eligible for a forbearance plan at this time because you do not meet the eligibility criteria for an unemployment or general hardship plan set forth below. For an unemployment forbearance plan, you must be unemployed and meet all of the following: <ul style="list-style-type: none"><li>• The property is your primary residence and is not vacant, condemned, or abandoned.</li><li>• You have not previously declined a forbearance plan.</li><li>• Your current mortgage payment exceeds the monthly mortgage to gross income ratio requirement.</li><li>• The plan does not result in you becoming more than 12 months past the contractual payment due date.</li></ul> If you are already on an unemployment forbearance plan, you did not meet one or more of the above eligibility requirements or you exceeded the maximum cash reserve requirement to qualify for an extension. For a general hardship forbearance plan, you must meet all of the following: <ul style="list-style-type: none"><li>• You must be at risk of defaulting or be 90 days or less past due.</li><li>• Your current mortgage payment must exceed the monthly mortgage to gross income ratio requirement.</li><li>• We must be able to get a plan payment within the program parameters.</li></ul> In addition, you must meet at least one of the following: <ul style="list-style-type: none"><li>• A hardship exists due to costs associated with certain drywall problems on the property securing your loan. The drywall must have been new when installed and installed between 2001 and 2008.</li><li>• You or a co-borrower is a U.S. service member injured on active duty, which is impacting your ability to pay your mortgage payment.</li><li>• You are unable to make your mortgage payment due to the death of a borrower or family member of a borrower who contributed at least 25% to</li></ul>

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	<p>the mortgage payment.</p> <ul style="list-style-type: none"><li>• You have a hardship due to a natural disaster against which you were not insured.</li><li>• You have an unavoidable reduction in income of at least 50%.</li><li>• You have an involuntary distant transfer of employment, including permanent change of station orders.</li><li>• You have a hardship caused by divorce or separation, and you were legally awarded the property.</li><li>• You have a hardship due to an illness against which you were not insured or have a pending settlement of a disability or major medical claim.</li><li>• You have a hardship but have substantial equity in the property, which is listed for sale.</li></ul>
Cap and Extend Modification	Denied. The information you provided does not indicate that your hardship has been resolved.
Flex Modification	Denied. We could not calculate, within program guidelines, a post-modification principal and interest payment that was lower than your current principal and interest payment.
Fannie Mae Non-Delegated Modification	Denied. The loan was not submitted to the investor for evaluation of this program because the eligibility requirements were not met.
Short Sale	Denied. You may be eligible, but we do not have complete documents from you for this program type. We did not evaluate you for this program based on any other criteria.
Mortgage Release™	Denied. You may be eligible, but we do not have complete documents from you for this program type. We did not evaluate you for this program based on any other criteria.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided that the applicant has the capacity to enter into a binding contract), or because all or part of the applicant's income derives from any public assistance program, or because the applicant has, in good faith, exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is The Federal Trade Commission, Equal Credit Opportunity, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

Our credit decision was based in whole or in part on information in a credit report from Equifax, a consumer credit reporting agency. While the information was provided by the agency, the agency played no part in our decision and is unable to supply specific reasons for our decision. You have a right under the Fair Credit Reporting Act to obtain a copy of your credit report from the agency. The report will be free if you request it within 60 days after you receive this notice. You also have the right to dispute the accuracy or completeness of any information in your report with Equifax. You may contact them by phone at 800.685.1111 or by mail at Equifax Credit Information Service, PO Box 740256 , Atlanta, GA 30374.

Be aware that, if you appeal a denial of assistance and then do not make your scheduled payments or your Trial Period Plan payments (if we offered you a Trial Period Plan) while your appeal is being considered, your

mortgage loan will be delinquent. In addition, unpaid interest and other unpaid amounts, such as escrows for taxes and insurance, will continue to accumulate, increasing the amount you owe on the loan. Short sale and Mortgage Release denials cannot be appealed.

The Homeowner's HOPE™ Hotline, 888.995.HOPE (4673), provides information on homeowner assistance. We urge you to become familiar with options that may be available to you.

Eligibility for assistance is at our discretion, and not all applicants qualify. We cannot guarantee that you will receive any assistance or a particular type of assistance. This letter should not be construed as a waiver of our rights, or the loan owner's rights, to collect the amount owed on your loan, under the terms of your loan agreement and any applicable state and federal laws.